

JUN. 16. 2004 1:05PM MOFO 28TH FL

NO. 914 P. 1

RECEIVED  
CENTRAL FAX CENTER

**MORRISON & FOERSTER LLP**

Attorneys at Law  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

JUN 16 2004

**OFFICIAL**

**To:** Centralized Facsimile Center  
U.S. Patent Office

Facsimile: 703-872-9306  
Telephone:

**From:** Otis Littlefield

**Date:** June 16, 2004

We are transmitting a total of **6** pages (including this page).  
Original or hard copy to follow if this box is checked .

**If you do not receive all pages, please call (415) 268-6733 as soon as possible.**

Preparer of this slip has confirmed that facsimile number given is correct: **OBL1/8566**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

Re: U.S. Patent Application Serial No. 09/646,807  
For: CONTROL OF GENE EXPRESSION  
By: Michael W. GRAHAM et al.  
Our reference: 54632-20003.21

Attached are the following:

1. Transmittal (1 page)
2. Fee Transmittal (in duplicate, 2 pages)
3. Petition for Extension of Time (1 page)
4. Notice of Appeal (1 page)

PTO/SB/21 (08-08)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission	5	Attorney Docket Number	546322000321
--	---	------------------------	--------------

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate, 2 pages)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (1 page) (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (1 page)	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Sent via Facsimile (Facsimile Coversheet not counted as part of this submission)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	MORRISON & FOERSTER LLP (Customer No. 20872) Otis Littlefield - 48,751
Signature	
Date	June 16, 2004

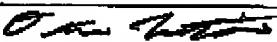
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 672-9306, on the date shown below.

Dated: June 16, 2004

Signature:  (Valerie Cohen)

sf-1725314

PTO/SB/17 (01-08)  
Approved for use through 04/30/2003. OMB 0651-0032

<b>FEET TRANSMITTAL</b> <b>for FY 2003</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>																																																																																																																												
		Application Number	09/646,807																																																																																																																											
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	December 5, 2000																																																																																																																											
<b>TOTAL AMOUNT OF PAYMENT</b> (\$ 1,280)		First Named Inventor	Michael GRAHAM																																																																																																																											
		Examiner Name	D. Sullivan																																																																																																																											
		Group Art Unit	1638																																																																																																																											
		Attorney Docket No.	546322000321																																																																																																																											
<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEES CALCULATION</b> (continued)																																																																																																																												
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account		<b>3. ADDITIONAL FEES</b>																																																																																																																												
Deposit Account Number 03-1952 Deposit Account Name Morrison & Foerster LLP <small>The Commissioner is hereby authorized to: (check all that apply)</small>		<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th></th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>190</td> <td>2051 55 Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052 25 Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1058</td> <td>130</td> <td>1053 130 Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812 2,520 For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804 920* Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1806</td> <td>1,840*</td> <td>1806 1,840* Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251 55 Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252 210 Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253 475 Extension for reply within third month</td> <td>950</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254 740 Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255 985 Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1407</td> <td>330</td> <td>2401 165 Notice of Appeal</td> <td>330</td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402 160 Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403 140 Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451 1,510 Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452 55 Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,300</td> <td>2453 650 Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,300</td> <td>2501 650 Utility issue fee (or release)</td> <td></td> </tr> <tr> <td>1502</td> <td>470</td> <td>2502 235 Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>630</td> <td>2503 315 Plant issue fee</td> <td></td> </tr> <tr> <td>1480</td> <td>130</td> <td>1480 130 Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807 50 Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806 180 Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021 40 Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1808</td> <td>750</td> <td>2809 375 Filing a submission after final rejection (37 CFR 1.128(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810 375 For each additional invention to be examined (37 CFR 1.128(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>750</td> <td>2801 375 Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>800</td> <td>1802 900 Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="2">Other fee (specify)</td> <td>1615 Claims - extra total (over 20)</td> <td></td> </tr> </tbody> </table>		Large Entity	Small Entity		Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	1051	190	2051 55 Surcharge - late filing fee or oath		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet		1058	130	1053 130 Non-English specification		1812	2,520	1812 2,520 For filing a request for ex parte reexamination		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action		1806	1,840*	1806 1,840* Requesting publication of SIR after Examiner action		1251	110	2251 55 Extension for reply within first month		1252	420	2252 210 Extension for reply within second month		1253	950	2253 475 Extension for reply within third month	950	1254	1,480	2254 740 Extension for reply within fourth month		1255	1,970	2255 985 Extension for reply within fifth month		1407	330	2401 165 Notice of Appeal	330	1402	320	2402 160 Filing a brief in support of an appeal		1403	280	2403 140 Request for oral hearing		1451	1,510	1451 1,510 Petition to institute a public use proceeding		1452	110	2452 55 Petition to revive - unavoidable		1453	1,300	2453 650 Petition to revive - unintentional		1501	1,300	2501 650 Utility issue fee (or release)		1502	470	2502 235 Design issue fee		1503	630	2503 315 Plant issue fee		1480	130	1480 130 Petitions to the Commissioner		1807	50	1807 50 Processing fee under 37 CFR 1.17(q)		1806	180	1806 180 Submission of Information Disclosure Stmt		8021	40	8021 40 Recording each patent assignment per property (times number of properties)		1808	750	2809 375 Filing a submission after final rejection (37 CFR 1.128(a))		1810	750	2810 375 For each additional invention to be examined (37 CFR 1.128(b))		1801	750	2801 375 Request for Continued Examination (RCE)		1802	800	1802 900 Request for expedited examination of a design application		Other fee (specify)		1615 Claims - extra total (over 20)	
Large Entity	Small Entity																																																																																																																													
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid																																																																																																																											
1051	190	2051 55 Surcharge - late filing fee or oath																																																																																																																												
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet																																																																																																																												
1058	130	1053 130 Non-English specification																																																																																																																												
1812	2,520	1812 2,520 For filing a request for ex parte reexamination																																																																																																																												
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action																																																																																																																												
1806	1,840*	1806 1,840* Requesting publication of SIR after Examiner action																																																																																																																												
1251	110	2251 55 Extension for reply within first month																																																																																																																												
1252	420	2252 210 Extension for reply within second month																																																																																																																												
1253	950	2253 475 Extension for reply within third month	950																																																																																																																											
1254	1,480	2254 740 Extension for reply within fourth month																																																																																																																												
1255	1,970	2255 985 Extension for reply within fifth month																																																																																																																												
1407	330	2401 165 Notice of Appeal	330																																																																																																																											
1402	320	2402 160 Filing a brief in support of an appeal																																																																																																																												
1403	280	2403 140 Request for oral hearing																																																																																																																												
1451	1,510	1451 1,510 Petition to institute a public use proceeding																																																																																																																												
1452	110	2452 55 Petition to revive - unavoidable																																																																																																																												
1453	1,300	2453 650 Petition to revive - unintentional																																																																																																																												
1501	1,300	2501 650 Utility issue fee (or release)																																																																																																																												
1502	470	2502 235 Design issue fee																																																																																																																												
1503	630	2503 315 Plant issue fee																																																																																																																												
1480	130	1480 130 Petitions to the Commissioner																																																																																																																												
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)																																																																																																																												
1806	180	1806 180 Submission of Information Disclosure Stmt																																																																																																																												
8021	40	8021 40 Recording each patent assignment per property (times number of properties)																																																																																																																												
1808	750	2809 375 Filing a submission after final rejection (37 CFR 1.128(a))																																																																																																																												
1810	750	2810 375 For each additional invention to be examined (37 CFR 1.128(b))																																																																																																																												
1801	750	2801 375 Request for Continued Examination (RCE)																																																																																																																												
1802	800	1802 900 Request for expedited examination of a design application																																																																																																																												
Other fee (specify)		1615 Claims - extra total (over 20)																																																																																																																												
<small>*or number previously paid, if greater. For Reissues, see above</small>		*Reduced by Basic Filing Fee Paid	SUBTOTAL (3) (\$ 1,280)																																																																																																																											
<b>SUBMITTED BY</b>																																																																																																																														
Name (Print/Type)	Otis Littlefield	Registration No. (Attorney/Agent)	48,751																																																																																																																											
Signature		Date	June 16, 2004																																																																																																																											

sf-1725001

<p>Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p> <p><b>FEE TRANSMITTAL</b> <b>for FY 2003</b> <small>Patent fees are subject to annual revision.</small></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p><b>TOTAL AMOUNT OF PAYMENT</b> (\$ 1,280)</p>																																																																																																																																																																																																					
<b>Complete if Known</b>																																																																																																																																																																																																					
<table border="1"> <tr> <td>Application Number</td> <td colspan="5">09/646,807</td> </tr> <tr> <td>Filing Date</td> <td colspan="5">December 5, 2000</td> </tr> <tr> <td>First Named Inventor</td> <td colspan="5">Michael GRAHAM</td> </tr> <tr> <td>Examiner Name</td> <td colspan="5">D. Sullivan</td> </tr> <tr> <td>Group Art Unit</td> <td colspan="5">1836</td> </tr> <tr> <td>Attorney Docket No.</td> <td colspan="5">546322000321</td> </tr> </table>						Application Number	09/646,807					Filing Date	December 5, 2000					First Named Inventor	Michael GRAHAM					Examiner Name	D. Sullivan					Group Art Unit	1836					Attorney Docket No.	546322000321																																																																																																																																																																
Application Number	09/646,807																																																																																																																																																																																																				
Filing Date	December 5, 2000																																																																																																																																																																																																				
First Named Inventor	Michael GRAHAM																																																																																																																																																																																																				
Examiner Name	D. Sullivan																																																																																																																																																																																																				
Group Art Unit	1836																																																																																																																																																																																																				
Attorney Docket No.	546322000321																																																																																																																																																																																																				
<b>METHOD OF PAYMENT</b> (check all that apply)																																																																																																																																																																																																					
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account																																																																																																																																																																																																					
Deposit Account Number <b>03-1952</b> Deposit Account Name <b>Morrison &amp; Foerster LLP</b>																																																																																																																																																																																																					
The Commissioner is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																																																					
<b>FEE CALCULATION</b>																																																																																																																																																																																																					
<b>1. BASIC FILING FEE</b>																																																																																																																																																																																																					
<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="4"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>750</td> <td>2001</td> <td>375</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>330</td> <td>2002</td> <td>185</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003</td> <td>520</td> <td>2003</td> <td>260</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>750</td> <td>2004</td> <td>375</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1005</td> <td>180</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="4"><b>SUBTOTAL (1)</b> (\$)</td> <td>0.00</td> <td></td> </tr> </tbody> </table>						Large Entity	Small Entity					Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	750	2001	375	Utility filing fee		1002	330	2002	185	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	180	2005	80	Provisional filing fee		<b>SUBTOTAL (1)</b> (\$)				0.00																																																																																																																																																	
Large Entity	Small Entity																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																
1001	750	2001	375	Utility filing fee																																																																																																																																																																																																	
1002	330	2002	185	Design filing fee																																																																																																																																																																																																	
1003	520	2003	260	Plant filing fee																																																																																																																																																																																																	
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																																	
1005	180	2005	80	Provisional filing fee																																																																																																																																																																																																	
<b>SUBTOTAL (1)</b> (\$)				0.00																																																																																																																																																																																																	
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>																																																																																																																																																																																																					
<table border="1"> <thead> <tr> <th>Total Claims</th> <th>27</th> <th>Extra Claims</th> <th>0</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> <tr> <th>Independent Claims</th> <th>3</th> <th>-6 =</th> <th>0</th> <th>x 43</th> <th>0.00</th> </tr> <tr> <th>Multiple Dependent</th> <th></th> <th></th> <th></th> <th>145</th> <th>0.00</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>SUBTOTAL (2)</b> (\$)</td> <td>0.00</td> <td></td> </tr> </tbody> </table>						Total Claims	27	Extra Claims	0	Fee from below	Fee Paid	Independent Claims	3	-6 =	0	x 43	0.00	Multiple Dependent				145	0.00	<b>SUBTOTAL (2)</b> (\$)				0.00																																																																																																																																																																									
Total Claims	27	Extra Claims	0	Fee from below	Fee Paid																																																																																																																																																																																																
Independent Claims	3	-6 =	0	x 43	0.00																																																																																																																																																																																																
Multiple Dependent				145	0.00																																																																																																																																																																																																
<b>SUBTOTAL (2)</b> (\$)				0.00																																																																																																																																																																																																	
<small>**or number previously paid, if greater. For Reissues, see above</small>																																																																																																																																																																																																					
<b>SUBMITTED BY</b>																																																																																																																																																																																																					
<table border="1"> <tr> <td>Name (Print/Type)</td> <td>Otis Littlefield</td> <td>Registration No. (Attorney/Agent)</td> <td>48,751</td> <td>Telephone</td> <td>(415) 268-6846</td> </tr> <tr> <td>Signature</td> <td colspan="5"></td> </tr> <tr> <td></td> <td></td> <td>Date</td> <td colspan="3">June 16, 2004</td> </tr> </table>						Name (Print/Type)	Otis Littlefield	Registration No. (Attorney/Agent)	48,751	Telephone	(415) 268-6846	Signature								Date	June 16, 2004																																																																																																																																																																																
Name (Print/Type)	Otis Littlefield	Registration No. (Attorney/Agent)	48,751	Telephone	(415) 268-6846																																																																																																																																																																																																
Signature																																																																																																																																																																																																					
		Date	June 16, 2004																																																																																																																																																																																																		
<b>DUPLICATE COPY FOR FEE PROCESSING</b>																																																																																																																																																																																																					
<b>3. ADDITIONAL FEES</b>																																																																																																																																																																																																					
<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="4"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>85</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>850</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td>950</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td>330</td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,300</td> <td>2453</td> <td>650</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,300</td> <td>2501</td> <td>650</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>470</td> <td>2502</td> <td>235</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>630</td> <td>2503</td> <td>315</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1480</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1808</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (unless number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>750</td> <td>2809</td> <td>375</td> <td>Filing a submission after final rejection (37 CFR 1.129(e))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810</td> <td>375</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>750</td> <td>2801</td> <td>375</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="4">Other fee (specify)</td> <td>1615</td> <td>Claims - extra (over 20)</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2"><b>SUBTOTAL (3)</b> (\$ 1,280)</td> </tr> </tbody> </table>						Large Entity	Small Entity					Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	130	2051	85	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	850	2253	475	Extension for reply within third month	950	1254	1,480	2254	740	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal	330	1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1480	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1808	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (unless number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(e))		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify)				1615	Claims - extra (over 20)	*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b> (\$ 1,280)	
Large Entity	Small Entity																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																
1051	130	2051	85	Surcharge - late filing fee or oath																																																																																																																																																																																																	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																	
1053	130	1053	130	Non-English specification																																																																																																																																																																																																	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																																	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																	
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																	
1252	420	2252	210	Extension for reply within second month																																																																																																																																																																																																	
1253	850	2253	475	Extension for reply within third month	950																																																																																																																																																																																																
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																																	
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																																	
1401	330	2401	165	Notice of Appeal	330																																																																																																																																																																																																
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																																	
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																	
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																	
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																	
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																																	
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																																	
1502	470	2502	235	Design issue fee																																																																																																																																																																																																	
1503	630	2503	315	Plant issue fee																																																																																																																																																																																																	
1460	130	1480	130	Petitions to the Commissioner																																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																	
1808	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per property (unless number of properties)																																																																																																																																																																																																	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(e))																																																																																																																																																																																																	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																	
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																																	
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																	
Other fee (specify)				1615	Claims - extra (over 20)																																																																																																																																																																																																
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b> (\$ 1,280)																																																																																																																																																																																																	

RECEIVED  
CENTRAL FAX CENTER

JUN 16 2004 1:06PM MOFO 28TH FL

NO. 914 P. 6

JUN 16 2004

OFFICIAL

PTO/SB/31 (08-03)

Approved for use through 07/31/2006. OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) 546322000321
In re Application of Michael W. GRAHAM		
Application Number 09/646,807		Filed December 5, 2000
For <b>CONTROL OF GENE EXPRESSION</b>		
Art Unit 1636	Examiner D. Sullivan	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$       

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952 Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

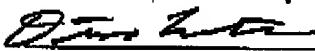
A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

applicant/inventor  
 assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record.

Registration number       

  
Signature

Otis Littlefield  
Typed or printed name

attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). 48,751

(415) 268-6846

Telephone number

June 16, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 672-9306, on the date shown below.

Dated: June 16, 2004

Signature: Valerie Cohen

(Valerie Cohen)

SF-1724991

PAGE 6/6\* RCVD AT 6/16/2004 4:03:49 PM [Eastern Daylight Time]\* SVR:USPTO-EFXRF-1/2\* DNIS:8729306\* CSID:415 2687522\* DURATION (mm:ss):02:14